

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

## **ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the United States Magistrate Judge' Report and Recommendation that Plaintiff's Motion to Dismiss be Granted and Defendant's Motion to Dismiss be Denied as Moot. (D.E. # 20) filed on April 11, 2013. Objections to the Report and Recommendation were due within fourteen (14) days of the entry of the Report, making the objections due on or before April 25, 2013. Neither party has filed objections within the time permitted.

Having reviewed the Magistrate Judge’s Report and Recommendation *de novo*, the parties’ briefs, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge’s Report. Plaintiff’s Motion to Dismiss is **GRANTED** and Defendant’s Motion to Dismiss is **DENIED** as moot.

## IT IS SO ORDERED.

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: June 17<sup>th</sup>, 2013.